

EXHIBIT A: REDLINE CHANGES TO FSA CONDITIONS OF CERTIFICATION

This document provides the Applicant's proposed changes to the Conditions of Certification set forth by staff in the Final Staff Assessment. Only those Conditions of Certification for which minor changes are proposed are included here.

Cultural Resources

CUL-7: Part 1 of CUL-7 conflicts with the requirements of CUL-8, in that CUL-7 requires full-time construction monitoring of the entire project, unless the CRS provides a letter with detailed justification for not needing full-time monitoring. However, the issue of what areas would require full-time monitoring are addressed in the Treatment Plan. Therefore, only changes from what is proposed in the Treatment Plan should need justification from the CRS. Therefore, CUL-7 should be revised to read as follows:

- CUL-7**
1. The project owner shall ensure that the CRS, alternate CRS, or CRM(s) shall monitor ground disturbance ~~full time~~ in the vicinity of the project site, linears and laydown areas, access roads or other ancillary areas in the manner described in the Treatment Plan to ensure there are no impacts to undiscovered resources or known resources affected in an unanticipated manner. In the event that the CRS determines that full-time monitoring is not necessary in certain locations as described in the Treatment Plan, a letter providing a detailed justification for the decision to reduce the level of monitoring shall be provided to the CPM for review and approval.
 2. CRM(s) shall keep a daily log of any monitoring or cultural resource activities and the CRS shall prepare a weekly summary report on the progress or status of cultural resources-related activities. The CRS may informally discuss cultural resource monitoring and mitigation activities with Energy Commission technical staff. Copies of daily monitoring logs shall be faxed or e-mailed each day to the attention of the Cultural Committee at the tribal office of the Lone Band of Miwok. Any documents that reveal site locations shall be provided under confidential cover.
 3. The project owner shall ensure that the CRS notifies the project owner and the CPM within 24 hours, by telephone or e-mail, of any incidents of non-compliance with any cultural resources conditions of certification. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the conditions of certification.

Cultural resource monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a CRM

from duties assigned by the CRS, or direction to a CRM to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these conditions of certification.

4. A Native American monitor(s) shall be obtained to monitor ground disturbance in areas where archaeological monitoring is required by the conditions of certification. Only one Native American monitor shall be assigned to each construction site unless additional monitors are deemed necessary by the CRS. If a Native American monitor is not available for scheduled ground disturbance, construction may continue under the oversight of the CRS or CRM(s).

Lists of concerned Native Americans and guidelines for monitoring shall be obtained from the Native American Heritage Commission. Consultation with the Lone Band of Miwok shall occur prior to selecting a Native American monitor(s). Preference in selecting monitors shall be given to Native Americans with traditional ties to the area that will be monitored. The Lone Band of Miwok, a federally recognized tribe, meets this requirement.

Verification: During the ground disturbance phases of the project, if the CRS wishes to reduce the level of monitoring occurring at the project, a letter identifying the area(s) where the CRS recommends the reduction and justifying the reductions in monitoring shall be submitted to the CPM for review and approval.

~~Verification:~~ During ground disturbance, the project owner shall include in the MCRs copies of the weekly summary reports prepared by the CRS regarding project-related cultural resources monitoring. Copies of daily logs shall be retained on-site and made available for audit by the CPM. The project owner shall provide a statement in the MCR that copies of cultural resources monitoring daily logs have been faxed or e-mailed to the Lone Band of Miwok tribal office. If the logs reveal site locations, they shall be provided under confidential cover.

~~Verification:~~ Within 24 hours of recognition of a non-compliance issue, the CRS shall notify the CPM by telephone of the problem and of steps being taken to resolve the problem. A report that describes the issue, resolution of the issue, and the effectiveness of the resolution measures shall be provided in the next MCR.

~~Verification:~~ One week prior to ground disturbance, in areas where archaeological monitoring will occur, the project owner shall send notification to the CPM identifying the person(s) retained to conduct Native American monitoring. The project owner shall also provide a plan identifying the proposed monitoring schedule and information explaining how Native Americans who wish to provide comments will be allowed to comment. If efforts to obtain the services of a qualified Native American monitor are unsuccessful, the project owner shall immediately inform the CPM. The CPM will either identify potential monitors or will allow ground disturbance to proceed without a Native American monitor.

CUL-8: The requirements of CUL-8 (and CUL-7, as revised) will vary depending on the contents of the Treatment Plan. A Draft Treatment Plan has been submitted to the CEC staff and staff's comments are currently being addressed in a Revised Treatment Plan. At this time, the areas requiring further testing and the level of construction monitoring have not been agreed to between the Applicant and staff. The Applicant does not propose any specific revisions to CUL-8, except to change the time of submittal prior to ground disturbance from 90 days to 30 days in the Verification. However, since the staff and Applicant do not concur to several key factors of the Treatment Plan, the Applicant is responding to text in the FSA suggesting conclusions staff wants included in the Treatment Plan. The Applicant's reasons for their disagreement with staff are provided below.

Backhoe Testing

In the FSA, the staff suggests that backhoe testing be required in the Treatment Plan for four locations identified in the Remote Sensing Report as: #2, #4, #7, and #8 (see p. 4.3-9 and Cultural Resources Table 1). Applicant concurs with backhoe testing at locations #7 and #8. However, as described below, the Applicant suggests that remote sensing results, past ground-disturbance, and negative findings from pedestrian surveys support monitoring as a treatment measure rather than backhoe testing. Therefore, CH2M HILL's revised Treatment Plan recommends full-time monitoring as the appropriate treatment measure for Locations #2 and #4. Our rationale for this recommendation is provided below.

Report Findings

Tremaine reported, *"the most likely area for a site to be situated is within the eastern portion of the segment in the owners front yard, where we were not permitted to run the equipment."* Tremaine further reported that no anomalies were found. Although Tremaine opinioned that the area was a paleolandscape, no subsurface anomalies were detected. Tremaine recommended this area be either tested prior to construction or monitored during ground disturbance.

Recommendations

Undoubtedly, much of the pipeline route intersects paleolandscapes along its 26 mile course. Due to extensive previous ground disturbance from: (1) the construction of the road, (2) past and present agricultural practices of leveling soils to create suitable fields, (3) subsurface ground disturbance caused by tillage operations by various agricultural practices to depths of at least 2 feet, (4) construction of driveways, and (5) excavation to bury utility lines, it is unlikely any intact deposits of cultural materials are present at this location. Furthermore, two pedestrian surveys (CH2M HILL and Tremaine) resulted in negative findings.

Negative findings from Tremaine's remote sensing, CH2M HILL's and Tremaine's pedestrian surveys, and extensive ground disturbance (described above) do not support application of backhoe testing of this area. Therefore, CH2M HILL concurs with Tremaine that full-time monitoring is the appropriate treatment for this location.

Findings

Topographic maps from 1909 suggests the primary landscape had not undergone significant changes. Three pedestrian surveys (CH2M HILL, Peak and Associates, and Tremaine) resulted in negative findings. Ground disturbing activities in the area include: (1) the construction of the Road, (2) creation of a dirt access road, (3) construction of railroad tracks, (4) emplacement of buried culverts, and (5) an anomaly (*"the anomaly is of sufficient size and*

depth to suggest anthropogenic origins”) buried 3 to 4 feet deep. A noticeable depression was also noted at this location suggesting something has been excavated and possibly buried at this locality.

Recommendations

The remote sensing suggests no significant anomalies are present. Tremaine recommended testing prior to construction ~~or~~ monitoring during ground disturbance. Remote sensing data, extensive ground disturbance (described above), and the three pedestrian surveys that resulted in negative findings do not support backhoe testing of this area. Therefore, CH2M HILL concurs with Tremaine that full-time monitoring is an appropriate treatment measure for this location.

Construction Monitoring

Table 7, below, from the Revised Treatment Plan, makes the following recommendations as to full-time, part-time, or no monitoring during construction. In making this determination, several factors were considered. Among them included: past-ground disturbance; pedestrian surveys by CH2M HILL and/or others; results of remote sensing; consultations with the Ione Band of the Miwoks; and topography. Those areas that were determined to have a higher probability of cultural resources were recommended for full-time monitoring; those areas with some likelihood of cultural resources were recommended to have part-time monitoring; and low probability area were determined not to need construction monitoring.

TABLE 7
Locations Requiring Full-time, Part-time, or No Monitoring

WRMS Map Page	Mile Post	Full-time Monitoring	Part-time Monitoring	No Monitoring
■	■		X	
■	■	X		
■	■		X	
■	■	X		
■	■		X	
■	■	X		
■	■			X
■	■	X		
■	■			X
■	■	X		
■	■		X	
■	■	X		
■	■		X	
■	■	X		

TABLE 7

Locations Requiring Full-time, Part-time, or No Monitoring

WRMS Map Page	Mile Post	Full-time Monitoring	Part-time Monitoring	No Monitoring
			X	
			X	
		X		
			X	
				X
		X		
		X		
			X	
		X		
Total Miles		12.77	14.17	0.9

Mile post distances are approximations, the exact distances will be provided in the final Treatment Plan.

In the FSA , the Staff proposes monitoring at several locations shown in Cultural Resources Table 2 (reproduced below). The Applicant proposes the following changes to Table 2. The rationale supporting those changes is presented in the right column.

Cultural Resources Table 2
Potentially Affected Known Resources and Staff Proposed Mitigation Measures

Resource Designation	Testing Status	Additional Testing	Energy Commission Mitigation Requirements	Applicant Comments
CA-SAC-93	Incomplete	Backhoe/Shovel testing	To be determined per treatment plan	<u>Concurs with backhoe/shovel testing in accordance with Treatment Plan.</u>
CA-SAC-68	Complete	Not necessary	Full-time monitoring per treatment plan	<u>Concurs with full-time monitoring</u>
CA-SAC-526/H	Complete	Not necessary	Full-time monitoring per treatment plan	<u>Concurs with full-time monitoring</u>
CA-SAC-02	Incomplete	Backhoe-only <u>Not necessary</u>	To be determined per treatment plan <u>Full-time monitoring per treatment plan</u>	<u>Backhoe testing not necessary. Full-time monitoring proposed since data sheets indicated that location was elsewhere and site is unsupported by pedestrian surveys</u>
Hicksville Cemetery	Not necessary	Not necessary	Construction techniques to be determined per treatment plan and full-time monitoring	<u>Concurs with full-time monitoring</u>
Area between CA-SAC-93 and SAC-68	Complete	Not necessary	Full-time monitoring of ground disturbance	<u>Concurs with full-time monitoring</u>
ARS 85-15-1	Resource not confirmed	Not necessary	Full-time monitoring of ground disturbance <u>Not applicable</u>	<u>Site is outside the area of potential effects and will not be affected by the project.</u>
CA-SAC-500/H	Not necessary	Not necessary	Project will avoid	<u>Concurs that the project will avoid.</u>
CA-504/H	Not necessary	Not necessary	Project will avoid	<u>Concurs that the project will avoid.</u>
Elliot Ranch	Not necessary	Not Necessary	Project will avoid	<u>Concurs that the project will avoid.</u>
Jungkeit Dairy	Not necessary	Not Necessary	Project will avoid	<u>Concurs that the project will avoid.</u>
Hicksville Townsite	Not necessary	Not Necessary	Full-time monitoring to ensure avoidance	<u>Concurs that the project will avoid.</u>
Arno Townsite	Not necessary	Not Necessary	Full-time monitoring to ensure avoidance	<u>Concurs with full-time monitoring</u>

Hazardous Materials

HAZ-1: The Business Plan program does not require that changes to hazardous materials used at the facility be pre-approved. California H&S Code sections 25505(b) and 25510, as shown below, require a regulated facility to notify the CUPA within 30 days after making a change in the type or quantity of materials used.

25505. (b) In addition to the requirements of Section 25510, whenever a substantial change in the handler's operations occurs that requires a modification of its business plan, the handler shall submit a copy of the business plan revisions to the administering agency within 30 days from the date of the operational change.

25510. Within 30 days of any one of the following events, any business subject to Section 25505 shall submit an amendment to the inventory form detailing the handling, and the following appropriate information: (1) A 100 percent or more increase in the quantity of a previously disclosed material. (2) Any handling of a previously undisclosed hazardous material subject to the inventory requirements of this chapter. (3) Change of business address. (4) Change of business ownership. (5) Change of business name.

To be consistent with the Health and Safety Code, the Applicant requests that the COC be reworded as shown below:

HAZ-1 The project owner shall not use any hazardous material not listed in Appendix B (AFC Table 8.12-3R), below, or in greater quantities than those identified by chemical name in Appendix B, below, unless the appropriate notifications are made to the CUPA as required under sections 25505(b) and 25510 of the California Health and Safety Code. approved in advance by the -Sacramento County Environmental Management Department and the CPM.

Verification: The project owner shall provide to the Compliance Project Manager (CPM), in the Annual Compliance Report, a list of hazardous materials contained at the facility in quantities exceeding thresholds established by California Health and Safety Code Section 25503.5. These quantities are 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure.

HAZ-2: Since, it is not known how quickly the EPA will review the RMP or how many times the RMP will need to be revised and resubmitted, it is difficult to know whether a "final" copy can be provided to the CPM 60 days prior to receiving hazardous materials on site. Therefore, Applicant requests that the condition be revised as shown below:

HAZ-2 The project owner shall concurrently provide a Business Plan and a Risk Management Plan (RMP) to the Certified Unified Program Authority – CUPA (Sacramento County Environmental Management Department) for review and to the CPM for review at the time the RMP is first submitted to the U.S. Environmental Protection Agency (EPA). After receiving comments from the CUPA, the EPA, and the CPM, the project owner shall reflect all

recommendations in the final documents. Copies of the final Business Plan and RMP shall then be provided to the CUPA and EPA for information and to the CPM for approval.

Verification: At least 60 days prior to receiving any hazardous material on the site, the project owner shall provide a copy of a final Business Plan to the CPM for approval. At least ~~630~~ days prior to delivery of aqueous ammonia to the site, the project owner shall provide the final copy of the latest version of the RMP that was submitted to the EPA and to the Sacramento County Environmental Management Department for information ~~and to the CPM for approval.~~

HAZ-3 The Applicant requests that references to sodium hypochlorite be deleted because the quantities are below Cal-ARP reportable levels and staff's evaluation in the FSA concluded its impacts are less than significant.

HAZ-3 The project owner shall develop and implement a Safety Management Plan for delivery of aqueous ammonia ~~and sodium hypochlorite~~ and shall submit this plan to the CPM for approval. The plan shall include procedures, protective equipment requirements, training, and a checklist. It shall also include a section describing all measures to be implemented to prevent mixing of aqueous ammonia with incompatible hazardous materials.

Verification: At least 60 days prior to the delivery of aqueous ammonia ~~or sodium hypochlorite~~ to the facility, the project owner shall provide the plan to the CPM for review and approval.

HAZ-4 Requirements for design of secondary containment systems have been modified in similar proceedings by the Commission. Therefore, Applicant requests that this condition be reworded as shown below for consistency with the other proceedings:

HAZ-4 The aqueous ammonia storage facility shall be designed to either the ASME Pressure Vessel Code and ANSI K61.6 or to API 620. In either case, the storage tank shall be protected by a secondary containment basin capable of holding either 125% of the storage volume or the tank volume plus the volume associated with 24 hours of rain assuming ~~the a~~ 25-year storm. The final design drawings and specifications for the ammonia storage tank and secondary containment basins shall be submitted to the CPM.

Verification: At least 60 days prior to delivery of aqueous ammonia to the facility, the project owner shall submit final design drawings and specifications for the ammonia storage tank and secondary containment basin to the CPM for review and approval.

HAZ-6 This requirement has been modified in similar proceedings under review by the Commission. Therefore, the Applicant requests rewording the condition as shown below for consistency with other proceedings:

HAZ-6 The project owner shall require that the gas pipeline undergo a complete design review and detailed inspection 30 years after initial startup and every 5 years thereafter.

Verification: At least 30 days prior to the initial flow of gas in the pipeline, the project owner shall provide an outline of the plan to accomplish a full and comprehensive pipeline design review to the CMP for review and approval. The full and complete plan shall be ~~amended, as appropriate, prepared~~ and submitted to the CPM for review and approval, not later than one year before the plan is implemented by the project owner.

HAZ-8 The Applicant requests that this condition be deleted. The law already requires the use of transportation vehicles meeting specific DOT design requirements and transportation routes meeting local, state, and federal transportation and traffic requirements for hazardous materials. These requirements have already been addressed in the AFC and by HAZ-5.

~~**HAZ-8** All hazardous material tanker trucks transporting any hazardous material solution in an amount equal to or greater than 1,000 gallons shall be escorted from State Route 99 or Interstate 5 to the facility by a lead vehicle equipped with fog lights. Both vehicles shall also be equipped with radios to provide communication between the lead vehicle and the tanker truck. Both vehicles shall have their headlights on at all times when traversing the route.~~

~~**Verification:** At least 30 days prior to the initial delivery of any hazardous material solution in an amount equal to or greater than 1,000 gallons, the project owner shall certify by letter to the CPM that the required hazardous material transportation escort will be implemented.~~

Noise and Vibration

NOISE-6: NOISE-6 provides noise-level criteria that the plant must meet. NOISE-10 also provides noise criteria, but solely for the relocated trailer (R1). The requirements of NOISE-10 are inconsistent with and conflict with the requirements of NOISE-6. Since the trailer will be relocated prior to the start of operations, and to make these conditions consistent and reasonable, the Applicant proposes that NOISE-6 be revised so that it includes the requirements for all locations and NOISE-10 be deleted. Proposed revisions are shown below.

NOISE-6 The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that the noise level produced by steady state operation of the project will not exceed an the hourly average noise level of ~~more than~~ the following values, ~~measured at any residence~~:

~~For the power plant operation: 39 dBA~~ At the relocated residence identified as R1: 42 dBA L_{90}

~~For the Winters gas compressor: At the nearest existing residence to the Winters gas compressor: 37 dBA L_{90}~~

~~For the Valve Station #190 gas compressor: At the nearest existing residence to the Valve Station #190 compressor. 39 dBA L_{90}~~

No new pure tone components may be introduced at the nearest existing residences (relocated in the case of R1). No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. Steam relief valves shall be adequately muffled to preclude noise that draws legitimate complaints.

- A. Within 30 days of the Phase 1 project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at Site ~~R2~~R1 (relocated). Within ~~30-45~~ days¹ of the Phase 2 project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at Sites ~~R12~~R12 (relocated), M2, and M4. The noise surveys shall also include short-term measurement of one-third octave band sound pressure levels at each of the above locations to ensure that no new pure-tone noise components have been introduced.
- B. If the results from the noise survey indicate that the noise level due to the steady state plant operations exceeds the noise standard listed above ~~for any given hour~~ during the 25-hour period, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits.

¹ A longer period is requested for Phase 2 due to the number of monitoring locations and the long distances between those locations.

- C. If the results from the noise survey indicates that the steady state plant operations result in pure tones at R1 (relocated), M2 or M4 are present, mitigation measures shall be implemented to eliminate the pure tones.

The measurement of power plant noise for the purposes of demonstrating compliance with this Condition of Certification may alternatively be made at a location, closer to the plant (e.g., 400 feet from the plant or compressor station boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the nearest residence. However, notwithstanding the use of this alternative method for determining the noise level, the character of the plant noise shall be evaluated at the nearest residence to determine the presence of pure tone or other dominant sources of plant noise.

Verification: Within 30-45 days after completing the community noise survey required for Phase 1, the project owner shall submit a summary report of the survey to the Sacramento County planning department and to the CPM. Within 45 days after completing the community noise survey required for Phase 2, the project owner shall submit a summary report of the survey to the Sacramento County, Yolo County, and City of Elk Grove planning departments, and to the CPM. Included in the post-construction survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits, and a schedule, subject to CPM approval, for implementing these measures. Within 30 days of completion of installation of these measures, the project owner shall submit to the CPM a summary report of a new noise survey, performed as described above and showing compliance with this condition.

NOISE-9: According to the FSA, NOISE-9 was proposed to ensure vibration from pile driving would not adversely affect the residents at R1, currently located about 800 feet from the Phase 2 plant site. Since, the Applicant has entered into an agreement to relocate R1, the following revisions are requested:

NOISE-9 Vibration due to pile driving for site investigations or project construction shall be limited to a peak particle velocity of 0.2 in/sec at the nearest sensitive receptor.

- A. Upon commencement of pile driving, if R1 has not yet been relocated and is occupied, the project owner will conduct ~~continuous~~ vibration monitoring at R1. the nearest residential receptor. If the piles closest to R1 are not driven first, the vibration monitoring can be conducted at an alternate location. The distance from the alternate monitoring location to the driven pile shall be the same or shorter than the distance from R1 to the proposed closest pile. , and will continue the monitoring until the pile nearest that residence is installed.

- B. If vibration measurements indicate at any time that the pile driving vibration at any sensitive receptor has exceeded a peak particle velocity of 0.2 in/sec, the project owner shall notify the CPM immediately, and shall cease pile driving until a mitigation plan is developed and implemented to achieve compliance.

Verification: Within 30 days after completing the vibration measurements, the project owner shall submit a summary report of the measurements to the Sacramento County Planning and Community Development Department and to the CPM. The report shall include a description of any mitigation measures that were required to achieve compliance with this Condition.

NOISE-10: See explanation for the deletion of NOISE-10 in the discussion above for NOISE-6.

~~**NOISE-10** Prior to operation of Phase 1, the operator shall ensure that the dwelling at receiver R1 is relocated to a site where the cumulative hourly average noise level due to plant operations and ambient noise will not exceed 42 dBA.~~

- ~~A. Within 30 days of the Phase 1 project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at Receiver R1. Within 30 days of the Phase 2 project first achieving a sustained output of 80 percent or greater of rated capacity, the project owner shall conduct a subsequent 25-hour community noise survey at Site R1. The noise surveys shall include short-term measurement of one-third octave band sound pressure levels at the above location to ensure that no new pure-tone noise components have been introduced.~~
- ~~B. If the results from the noise survey indicate that the noise level due to the plant operations exceeds the noise standard listed above for any given hour during the 25-hour period, mitigation measures shall be implemented to reduce noise to a level of compliance with these limits.~~
- ~~C. If the results from the noise survey indicates that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.~~

~~**Verification:** Prior to operation of Phase 1, the project owner shall transmit to the CPM a statement, signed by the project manager, stating that the mobile home has been relocated.~~

~~Within 30 days after completing the noise survey, the project owner shall submit a summary report of the survey to the Sacramento County Planning Department and to the CPM. Included in the post-construction survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limit, and a schedule, subject to CPM approval, for implementing these measures. Within 30 days of completion of~~

~~installation of these measures, the project owner shall submit to the CPM a summary report of a new noise survey, performed as described above and showing compliance with this condition.~~

Public Health

PUBLIC HEALTH-1: This is a new condition and requires modification to make it acceptable to both the CEC staff and the Applicant. The paper referenced in Applicant's proposed modification of the condition states that an operator can have a non-detect of Legionella on one day and encounter a level of detection several days later. In addition, health officials have not determined what level of Legionella is "safe." Applicant believes the following changes meet the intent of the CEC staff and are acceptable to the Applicant.

Public Health-1 The project owner shall develop and implement a Cooling Water Management Plan Biocide Use and Monitoring program to ensure that the potential for bacterial growth in cooling water is kept to a ~~n-absolute~~ minimum. ~~The Plan shall include weekly monitoring of biocide and chemical biofilm prevention agents, periodic maintenance of the cooling water system to remove bio-film buildup, and testing to determine the concentrations of Legionella bacteria in the cooling water.~~ The Biocide Use and Monitoring program shall incorporate, as applicable, the Best Practices and Recommendations for Minimization of Risks Associated with Legionella as outlined in the Cooling Tower Technology Institute February 2000 publication titled Legionellosis, Guideline: Best Practices for Control of Legionella. The Biocide Use and Monitoring Program shall specifically address full- and part-load plant operation, and short and long-term shutdowns.

Verification: At least 60 days prior to the commencement of cooling tower operations, the Cooling Water Management Plan Biocide Use and Monitoring program shall be provided to the CPM ~~for review and approval.~~

Traffic and Transportation

TRANS-4 and TRANS-7: Since only a short period is anticipated between construction contractor award and the start of construction, the Applicant suggests that the 60-day prefilng requirement in the verification section of these two conditions be changed to 30 days, as follows:

TRANS-4 During construction of the power plant and all related facilities, the project shall develop a parking and staging plan for all phases of project construction to enforce a policy that all project-related parking occurs on-site or in designated off-site parking areas.

Verification: At least ~~60~~ 30 days prior to start of site mobilization, the project owner shall submit the plan to the (City and/or County) for review and comment, and to the CPM for review and approval.

TRANS-7 Prior to start of construction of Phase 1 and 2, the project owner shall also notify the City of Elk Grove, County of Sacramento, and Caltrans about the schedule for project construction. The purpose of this notification is to postpone any planned roadway resurfacing and/or improvement projects until after the project construction has taken place and to coordinate construction related activities associated with other projects.

Verification: ~~60~~ 30 days prior to the start of construction, the project owner shall provide to the CPM a copy of the transmittal notifying the City of Elk Grove, County of Sacramento, and Caltrans of the construction schedule.

TRANS-5: Since other entities (i.e. Fed Ex, USPS, etc.) will be arriving at the site in addition to construction personnel, the Applicant requests that construction traffic be defined as including contractors and workforce personnel.

TRANS-5 The project owner shall consult with Caltrans, Sacramento and Yolo counties, and the City of Elk Grove and prepare and submit to the CPM for approval, a construction traffic control plan (TCP) and implementation program (TCP). Staff believes that all of the activities identified by Caltrans in their September 17, 2002 and supporting letters are appropriate, and should be implemented during the construction and operation of the CPP. The TCP should address the following issues:

- Timing of heavy equipment and building materials deliveries;
- Redirecting construction traffic with a flagperson;
- Signing, lighting, and traffic control device placement if required;
- Need for turning restrictions;

- Need for construction work hours and arrival/departure times outside of peak traffic periods, local school bus travel times on SR 104/Twin Cities Road and Clay East Road, and the intervals that children would be walking to and from bus stops;
- Ensure access for emergency vehicles to the project site;
- Temporary travel lane closure;
- Access to adjacent residential and commercial property during the construction of all linears;
- Installation of the gas pipeline, compressor and valve stations;
- Completion of the construction access road as early in the construction phase as possible. Restrict the use of Clay East Road to no more than 100-day shift workers per day until the access road is complete. Require all construction traffic (contractors and workforce personnel) to use Twin Cities Road and the access road to enter and exit the CPP site and laydown area.

Verification: At least 30 days prior to site mobilization, the project owner shall provide to the CPM a copy of the TCP for review and approval.

Visual Resources

Gas Pipeline Construction Screening and Surface Restoration

VIS-1: The area where the proposed gas pipeline would be constructed is rural and is not considered scenic and particularly sensitive to temporary visual changes to the landscape. Because construction activities at any given location along the gas pipeline would only be visible from any residences for a period of several days, it is not reasonable to fence or screen the areas around the pipeline construction. Drivers of motor vehicles are not considered sensitive receptors; therefore, "and roads" in the first sentence of the condition should be deleted. In addition, construction vehicles and equipment must have safe ingress/egress to/from the construction sites and along the construction corridors, making temporary fencing a potential safety concern. Therefore, the applicant proposes that screening be eliminated as a condition. As an alternative, the Applicant proposes that a Construction Activity Visual Resource Complaint Resolution Form, similar to that developed for lighting complaints be prepared. If a complaint is made by a resident, then the complaint would be investigated and appropriate corrective measures would be implemented.

Also, it is not clear as to when remediation would be required. A reasonable time is needed between the time that the pipeline is installed and the surface area is revegetated or otherwise treated.

It is expected that construction would be able to begin in summer 2003. Therefore, the Applicant requests that the amount of lead-time for submission of these plans be reduced from 90 days to 30 days.

As a result of the comments mentioned above, the Condition and Verification should be revised as follows:

VIS-1 The project owner shall require the following as a condition of contract with its contractors to construct the gas pipeline:

Construction activities associated with the proposed gas pipeline may be visible from nearby residences and roads. If a complaint is received from a nearby resident regarding the visual intrusion of project pipeline construction activities or the presence of construction materials and equipment at project staging and materials storage areas, the complaint shall be investigated by the project owner, and appropriate corrective measures, such as the installation of temporary screening fencing, shall be implemented. aboveground facility construction sites and staging and material and equipment storage areas for gas pipeline construction shall be visually screened with temporary screening fencing. If required, fencing will be of an appropriate design and color for each specific location, as determined by the CPM. All evidence of construction activities, including ground disturbance due to staging and storage areas, shall be removed and all disturbed areas shall be remediated to an original or improved condition within 90 days of upon completion of

construction of the entire pipeline, including the replacement of any vegetation or paving removed during construction.

The project owner shall submit to the CPM for review and approval and to Sacramento County for review and comment a general specific screening plan indicating the type, height, and color of the screening material being considered, and the installation method, in the event that a complaint from a nearby resident is received. In addition, the project owner shall submit to the CPM for review and approval and to Sacramento County for review and comment a ~~and~~ restoration plan whose proper implementation will satisfy these requirements.

The project owner shall not begin construction of the gas pipeline or implement the screening and restoration plan until receiving written approval of the plan from the CPM.

Verification: At least ~~30~~ 90 days prior to construction of the gas pipeline, the project owner shall submit the plan to the CPM for review and approval and to Sacramento County for review and comment.

If the CPM notifies the project owner that any revisions of the plan are needed, the project owner shall submit to the CPM a revised plan.

If the project owner receives a complaint from a nearby resident regarding visual intrusion of project pipeline construction activities or the presence of construction materials and equipment at project staging and materials storage areas, ~~the~~ the project owner shall investigate the complaint and appropriate corrective measures, such as the installation of temporary screening fencing, shall be implemented where necessary. If temporary fencing is determined to resolve the complaint, it shall be installed within 3 days so that the location that was the subject of the complaint is properly screened. install screening at each gas pipeline construction site prior to construction activities at that site.

~~The project owner shall install screening at each gas pipeline staging area and material and equipment storage area before the first use of that area.~~

Within seven days after the corrective measure (such as temporary screening) is complete, ~~the~~ the project owner shall notify the CPM within seven days after installing screening at staging and material and equipment storage areas that it is ready for inspection.

The project owner shall notify the CPM within seven days after completing the surface restoration that it is ready for inspection.

Surface Treatment of Project Structures and Buildings

VIS-2: It is not understood why it is necessary to provide a 5" by 7" sample of each proposed treatment and color. A reasonably sized sample, which could be smaller than 5" by 7", would still be effective in demonstrating the color and texture of the proposed treatment on the material to which it would be applied. In addition, submitting the

treatment plan to the CPM at least 30 days prior to ordering the first structures that are color treated during manufacture should be sufficient. This is somewhat of a moot issue, since the treatment plan has already been submitted to the CPM.

Therefore, the Applicant recommends that the Condition and Verification should be changed as follows:

VIS-2 Prior to initial firing, the project owner shall treat the surfaces of all project structures and buildings visible to the public such that their colors minimize visual intrusion and contrast by blending with the landscape; their surfaces do not create glare; and they are consistent with local laws, ordinances, regulations, and standards. The project owner shall submit for CPM review and approval and Sacramento County review and comment, a specific treatment plan whose proper implementation will satisfy these requirements. The treatment plan shall include:

- a) Specification, and 11" x 17" color simulations at life size scale, of the treatment proposed for use on project structures, including structures treated during manufacture;
- b) A list of each major project structure, building, tank, transmission line tower and/or pole, and fencing specifying the color(s) and finish proposed for each (colors must be identified by vendor brand or a universal designation);
- c) Two sets of brochures and/or color chips for each proposed color;
- d) Samples ~~at least 5" by 7"~~ of each proposed treatment and color on each material to which they would be applied that would be visible to the public;
- e) A detailed schedule for completion of the treatment; and
- f) A procedure to ensure proper treatment maintenance for the life of the project.

The project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture, or perform the final treatment on any buildings or structures treated on site until the project owner receives notification of approval of the treatment plan by the CPM.

~~**Verification:** Before preparing the treatment plan, the project owner shall contact the CPM to arrange a meeting to discuss the requirements of the plan.~~

~~**Verification:**~~ The project owner shall submit its proposed treatment plan at least ~~30~~ **90** days prior to ordering the first structures that are color treated during manufacture.

~~**Verification:**~~ If a revision is required, the project owner shall provide the CPM with a revised plan.

~~Verification:~~ Prior to first turbine roll, the project owner shall notify the CPM that all buildings and structures are ready for inspection.

~~Verification:~~ The project owner shall provide a status report regarding treatment maintenance in the Annual Compliance Report.

Landscape Screening

VIS-3: As indicated throughout the Operation Impact conclusions portion of the FSA, CEC staff has determined that visual impacts are considered adverse, but not significant. Pursuant to the California Environmental Quality Act (see Guidelines Section 15126.4), only impacts determined to be significant require mitigation. Therefore, impacts not determined to be significant do not require that mitigation be implemented. In addition, as indicated in the Response to Comments portion of this FSA, comments KF-3 and KF-4, the resident has commented that "... any landscaping ... as proposed by staff, will block a significant portion of my view of this panorama." This statement clearly indicates that this resident does not desire to have landscaping screening planted. For these reasons, it is not appropriate to require the project owner to provide landscape screening of the western side of the project boundary. The Applicant, therefore, requests that this condition be deleted.

However, the Applicant is willing to provide screening on the property of individual affected landowners near the previously identified KOPs who perceive that the plant has an adverse visual impact. Therefore, an alternate approach would be to develop a Visual Resource Complaint Resolution Form, similar to that developed for lighting complaints. If a complaint is made by a current resident near the previously identified KOP located within 1 mile of the project facilities regarding its view being adversely affected by the project, then the project owner would, in consultation with the residential land owner, install landscaping trees along the property of the resident who made the complaint. The resident would be responsible for care and maintenance of landscape trees once properly planted.

As a result of the comments mentioned above, the Condition should either be deleted or changed as follows:

VIS-3 Within 2 years of completion of construction of any phase of the power plant, upon receipt of a complaint from a current resident near a previously identified KOP located within 1 mile of the power plant site regarding the degradation of views due to the project's presence, the project owner shall investigate, and in consultation with the residential land owner, provide install landscaping trees at the residence to screen views of the power plant. that is effective in screening the proposed project from views from nearby residences. The resident will be responsible for care and maintenance of landscape trees once properly planted.

The project owner shall screen from view the aboveground gas pipeline interconnection and valve stations ~~with landscaping or other~~ aesthetically acceptable screening material such as cyclone fencing with slats.

The project owner shall install a 25-foot landscape setback along the entire length of the project plant site that fronts Clay East Road. The project owner shall submit a landscaping plan for the 25-foot landscape setback that fronts Clay East Road along the entire length of the plant site to the CPM for review and approval and to Sacramento County for review and comment. The plan shall include:

- ~~a) 11"x17" color simulations of the proposed landscaping at 5 years and at 20 years as viewed from KOPs 2 and 3.~~
- a) A landscaping plan(s) and map(s) drawn to scale showing the proposed location and species of plants or other visual treatment.
- ~~c) The following are requirements for the area west of the project site:~~
 - ~~1.) Tree species used shall be native to the Central Valley, fast-growing, and the species expected to reach the greatest height at maturity for the site conditions.~~
 - ~~2.) No plantings shall be within 250 feet of any vernal pools or swales.~~
 - ~~3.) Plantings shall consist of informal groupings strategically placed to maximize screening of views from residences.~~
 - ~~4.) Tree spacing within groupings shall be designed to achieve as dense a screen as possible without inhibiting tree growth or height at maturity.~~
 - ~~5.) Irrigation shall be designed and operated to avoid adverse impacts to wetlands.~~
- ~~d) A detailed list of plants to be used and expected times to maturity given their size and age at planting.~~

The project owner shall not implement the plan until the project owner receives approval of the submittal from the CPM. However, the setback landscaping planting must be completed within one year three months after the start completion of project construction.

Verification: Before preparing the landscape screening plan, the project owner shall meet with the CPM to discuss the requirements of the plan.

Prior to the start of site mobilization completion of construction and at least 90 days prior to installing the landscaping, the project owner shall submit the landscaping plan to the CPM for review and approval and to Sacramento County for review and comment.

If the CPM notifies the project owner that revisions of the submittal are needed before the CPM will approve the submittal, within 30 days of receiving that notification, the project owner shall prepare and submit to the CPM a revised submittal.

~~No later than one year after the start of project construction~~ Within seven days of completion of fenced screening for the interconnection and valve stations and landscaping for the Clay East Road frontage, the project owner shall notify the CPM that the visual treatment landscaping is installed and ready for inspection.

Paleontological Resources

PAL-1: The applicant requests the period of submittal in the Verification portion of the condition be changed from 60 days prior to the start of ground disturbance to 30 days prior to the start of ground disturbance.

PAL-1 The project owner shall provide the CPM with the résumé and qualifications of its Paleontological Resource Specialist (PRS) for review and approval. If the approved PRS is replaced prior to completion of project mitigation and submittal of the Paleontological Resources Report, the project owner shall obtain CPM approval of the replacement PRS. The project owner shall submit to the CPM to keep on file, résumés of the qualified Paleontological Resource Monitors (PRMs). If a PRM is replaced, the résumé of the replacement PRM shall also be provided to the CPM.

The PRS résumé shall include the names and phone numbers of references. The résumé shall also demonstrate to the satisfaction of the CPM, the appropriate education and experience to accomplish the required paleontological resource tasks.

As determined by the CPM, the PRS shall meet the minimum qualifications for a vertebrate paleontologist as described in the Society of Vertebrate Paleontologists (SVP) guidelines of 1995. The experience of the PRS shall include the following:

1. institutional affiliations or appropriate credentials and college degree;
2. ability to recognize and collect fossils in the field;
3. local geological and biostratigraphic expertise;
4. proficiency in identifying vertebrate and invertebrate fossils; and
5. at least three years of paleontological resource mitigation and field experience in California, and at least one year of experience leading paleontological resource mitigation and field activities.

The project owner shall ensure that the PRS obtains qualified PRMs to monitor as he or she deems necessary on the project. PRMs shall have the equivalent of the following qualifications:

1. BS or BA degree in geology or paleontology and one year experience monitoring in California; or
2. AS or AA in geology, paleontology or biology and four years experience monitoring in California; or

3. Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in California.

Verification: (1) At least ~~60~~ 30 days prior to the start of ground disturbance, the project owner shall submit a résumé and statement of availability of its designated PRS for on-site work.

(2) At least 20 days prior to ground disturbance, the PRS or project owner shall provide a letter with résumés naming anticipated monitors for the project and stating that the identified monitors meet the minimum qualifications for paleontological resource monitoring required by the condition. If additional monitors are obtained during the project, the PRS shall provide additional letters and résumés to the CPM. The letter shall be provided to the CPM no later than one week prior to the monitor beginning on-site duties.

(3) Prior to the termination or release of a PRS, the project owner shall submit the résumé of the proposed new PRS to the CPM for review and approval.

PAL-3 (item 4): There is no way to accurately predict in advance of excavations exactly what geological materials will be found in the subsurface. Predicting in advance of construction what sampling is expected to take place, as required in Item 4, will be difficult, if not impossible. The Applicant suggests that this condition (Item 4) is unworkable and that it should be deleted.

PAL-3 The project owner shall ensure that the PRS prepares, and the project owner shall submit to the CPM for review and approval, a Paleontological Resources Monitoring and Mitigation Plan (PRMMP) to identify general and specific measures to minimize potential impacts to significant paleontological resources. Approval of the PRMMP by the CPM shall occur prior to any ground disturbance. The PRMMP shall function as the formal guide for monitoring, collecting and sampling activities and may be modified with CPM approval. This document shall be used as a basis for discussion in the event that on-site decisions or changes are proposed. Copies of the PRMMP shall reside with the PRS, each monitor, the project owner's on-site manager, and the CPM.

The PRMMP shall be developed in accordance with the guidelines of the ~~Society of Vertebrate Paleontology Society of the Vertebrate Paleontologists~~ (SVP, 1995) and shall include, but not be limited to, the following:

1. Assurance that the performance and sequence of project-related tasks, such as any literature searches, pre-construction surveys, worker environmental training, fieldwork, flagging or staking; construction monitoring; mapping and data recovery; fossil preparation and collection; identification and inventory; preparation

of final reports; and transmittal of materials for curation will be performed according to the PRMMP procedures;

2. Identification of the person(s) expected to assist with each of the tasks identified within the PRMMP and the Conditions of Certification;
3. A thorough discussion of the anticipated geologic units expected to be encountered, the location and depth of the units relative to the project when known, and the known sensitivity of those units based on the occurrence of fossils either in that unit or in correlative units;
- ~~4. An explanation of why, how, and how much sampling is expected to take place and in what units. Include descriptions of different sampling procedures that shall be used for fine-grained and coarse-grained units;~~
5. A discussion of the locations where the monitoring of project construction activities is deemed necessary, and a proposed plan for the monitoring and sampling;
6. A discussion of the procedures to be followed in the event of a significant fossil discovery, halting construction, resuming construction, and how notifications will be performed;
7. A discussion of equipment and supplies necessary for collection of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits;
8. Procedures for inventory, preparation, and delivery for curation into a retrievable storage collection in a public repository or museum, which meets the Society of Vertebrate Paleontologists standards and requirements for the curation of paleontological resources;
9. Identification of the institution that has agreed to receive any data and fossil materials collected, requirements or specifications for materials delivered for curation and how they will be met, and the name and phone number of the contact person at the institution; and
10. A copy of the paleontological Conditions of Certification.

Verification: At least 30 days prior to ground disturbance, the project owner shall provide a copy of the PRMMP to the CPM. The PRMMP shall include an affidavit of authorship by the PRS, and acceptance of the PRMMP by the project owner evidenced by a signature.

PAL-5: SMUD requests that "immediately notify" in item 3 and in item 4 be changed to "notify within 24 hours." This revision was requested in conditions of certification for the

SJVEC and accepted. The proposed wording here is from the SJVEC conditions of certification. PAL-5, item 4 and PAL-7 also needs to be clarified. The sentence either means that the CPM shall be immediately notified of "any significant paleontological resources encountered . . . " or the sentence can be interpreted to mean that the CPM only needs to be notified ". . . of any halt of construction activities " resulting from the discovery of significant paleontological resources. Clarification of this sentence was requested in conditions of certification for the SJVEC and the CEC was amenable to rewriting the sentence. The proposed revisions incorporate the SJVEC language.

PAL-5 The project owner shall ensure that the PRS and PRM(s) monitor consistent with the PRMMP all construction-related grading, excavation, trenching, and augering in areas where potentially fossil-bearing materials have been identified, both at the site and along any constructed linear facilities associated with the project. In the event that the PRS determines full time monitoring is not necessary in locations that were identified as potentially fossil-bearing in the PRMMP, the project owner shall notify and seek the concurrence of the CPM.

The project owner shall ensure that the PRS and PRM(s) have the authority to halt or redirect construction if paleontological resources are encountered.

The project owner shall ensure that there is no interference with monitoring activities unless directed by the PRS. Monitoring activities shall be conducted as follows:

1. Any change of monitoring different from the accepted schedule presented in the PRMMP shall be proposed in a letter or email from the PRS and the project owner to the CPM prior to the change in monitoring. The letter or email shall include justification for the change in monitoring and submitted to the CPM for review and approval.
2. The project owner shall ensure that the PRM(s) keeps a daily log of monitoring of paleontological resource activities. The PRS may informally discuss paleontological resource monitoring and mitigation activities with the CPM at any time.
3. The project owner shall ensure that the PRS **immediately** notifies the CPM **within 24 hours** of **the occurrence of** any incidents of non-compliance with any paleontological resources conditions of certification. The PRS shall recommend corrective action to resolve the issues or achieve compliance with the Conditions of Certification.
4. ~~For any significant paleontological resources encountered, either~~ **Either** the project owner or the PRS shall notify the CPM **immediately within 24 hours of a significant find (no later than the following morning after the find,** or Monday morning in the

case of a weekend) when there has been a significant find or a
of any halt of construction activities due to the discovery of fossil
materials.

The project owner shall ensure that the PRS prepares a summary of the monitoring and other paleontological activities that will be placed in the Monthly Compliance Reports. The summary will include the name(s) of PRS or PRM(s) active during the month, general descriptions of training and monitored construction activities and general locations of excavations, grading, etc. A section of the report will include the geologic units or subunits encountered; descriptions of sampling within each unit; and a list of identified fossils. A final section of the report will address any issues or concerns about the project relating to paleontologic monitoring including any incidents of non-compliance and any changes to the monitoring plan that have been approved by the CPM. If no monitoring took place during the month, the project shall include an explanation in the summary as to why monitoring was not conducted.

Verification: The project owner shall ensure that the PRS submits the summary of monitoring and paleontological activities in the MCR. When feasible, the CPM shall be notified 10 days in advance of any proposed changes in monitoring different from the plan identified in the PRMMP. If there is an unforeseen change in monitoring, the notice shall be given as soon as possible prior to implementation of the change.

PAL-7 The project owner shall ensure preparation of a Paleontological Resources Report (PRR) by the designated PRS. The PRR shall be prepared following completion of the ground disturbing activities. The PRR shall include an analysis of the collected fossil materials and related information and submitted to the CPM for review and approval.

The report shall include, but is not limited to, a description and inventory of recovered fossil materials; a map showing the location of paleontological resources encountered; determinations of sensitivity and significance; and a statement by the PRS that project impacts to paleontological resources have been mitigated below the level of significance.

Verification: Within 90 days after completion of ground disturbing activities, including landscaping, the project owner shall submit the Paleontological Resources Report under confidential cover to the CPM.

Verification:-

Profile Text-501559.1
DRAFT-Date/Time